

FILED: April 19, 2011

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-2352
(2:09-cv-00325)

JENNIFER WORKMAN, individually and as guardian of M.W., a minor; M.W., a minor,

Plaintiffs - Appellants

v.

MINGO COUNTY BOARD OF EDUCATION; DR. STEVEN L. PAINE, State Superintendent of Schools; DWIGHT DIALS, Superintendent Mingo County Schools; WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES,

Defendants - Appellees

and

MINGO COUNTY SCHOOLS; STATE OF WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES,

Defendants

v.

MARTHA YEAGER WALKER, in her capacity as Secretary of the West Virginia Department of Health and Human Resources; DR. CATHERINE C. SLEMP, in her capacity as State Health Director for the West Virginia Department of Health and Human Resources,

Third Party Defendants - Appellees

CHILDREN'S HEALTHCARE IS A LEGAL DUTY, INCORPORATED;
AMERICAN ACADEMY OF PEDIATRICS, INCORPORATED, West Virginia
Chapter; CENTER FOR RURAL HEALTH DEVELOPMENT,
INCORPORATED; WEST VIRGINIA ASSOCIATION OF LOCAL HEALTH
DEPARTMENTS; IMMUNIZATION ACTION COALITION,
INCORPORATED,

Amici Supporting Appellees

O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Agee, Judge Wynn and Senior Judge Duffy.

For the Court

/s/ Patricia S. Connor, Clerk